

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA

THE EXCELLENT THE EXCELLENT
RAJ K. PATEL, from all capacities,

Plaintiff

v.

THE UNIVERSITY OF NOTRE DAME
DU LAC

Defendant

RECEIVED

08/08/2022

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

No. 1:22-cv-01329-JPH-MG

Dated: August 8, 2022

PLAINTIFF (PRO SE)-RAJ K. PATEL'S MOTION FOR LEAVE TO FILE
PLAINTIFF (PRO SE)-RAJ K. PATEL'S MOTION TO REMAND TO
STATE OF INDIANA MARION SUPERIOR

I, T.E., T.E Raj K. Patel (*pro se*), the plaintiff, respectfully ask this United States District Court for the Southern District of Indiana or the Honorable Judge for leave, pursuant to *In Re Raj Patel*, No. 1:22-mc-00024-TWP (S.D.I.N. Mar. 28, 2022), Dkt. 1 at 3, to this accompanying Plaintiff (*Pro Se*)-Raj K. Patel's Motion to Remand the Removed Case back to the State of Indiana Superior Court of Marion County:¹

1. The operative complaint was removed on July 5, 2022.
2. The complaint was dismissed with prejudice due to filing bar, rather than on the merits. *Patel v. Univ. of Notre Dame*, No. 1:22-cv-01329-JPH-MG (S.D.I.N. 202__).
3. 28 U.S.C. § 1447(c) allows for filing of a motion to remand within 30 days, that is after service is received, and will allow this court to remain compliant with Court of Appeals for Seventh Circuit precedent. *Groce v. Eli Lilly & Co.*, 193 F.3d 496, 501 (7th Cir. 1999) quoting *Hancock v. St. Joseph Cnty.*, No. 3:09-CV-343, 2011 WL

1. A pro se pleading, "however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

2671107 * 14 (N.D. Ind. July 6, 2011) ("'[I]t is the well-established law of this circuit that the usual practice is to dismiss without prejudice state supplemental claims whenever all federal claims have been dismissed prior to trial.'"). The time requirement is not a jurisdictional matter. *Erickson*, 551 U.S. at 94.

4. Allowing the filing of this motion will respect state sovereignty. *BP P.L.C. v. Mayor of Balt.*, 141 S. Ct. 1532, 1545 (2021) quoting *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 32 (2002) ("[S]tatutory procedures for removal are to be strictly construed" out of respect for state sovereignty).

Respectfully submitted,

/s/ Raj K. Patel
T.E., T.E. Raj K. Patel (*pro se*)
6850 East 21st Street
Indianapolis, IN 46219
Marion County
317-450-6651 (cell)
rajp2010@gmail.com
www.rajp Patel.live

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing Pl. *Pro Se*-Mot. For Leave for File Pl. (*Pro Se*)-Raj K. Patel's Motion to Remand on 08/8/2022 to below individuals via e-mail:

Paul E. Harold

Southbank Legal: Ladue Curran Kuehn
100 East Wayne Street Suite 300
South Bend, IN 46601
Phone: 574-968-0760
Fax: 574-968-0761
Email: pharold@lck-law.com

Stephen M. Judge

Southbank Legal: Ladue Curran Kuehn
100 E. Wayne Street Suite 300
South Bend, IN 46601
Phone: 574-968-0760
Fax: 574-968-0761
Email: sjudge@southbank.legal

Respectfully submitted,

/s/ Raj Patel
T.E., T.E. Raj K. Patel (*Pro Se*)
6850 East 21st Street
Indianapolis, IN 46219
Marion County
317-450-6651 (cell)
rajp2010@gmail.com
www.rajp Patel.live

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